UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/1990/5/Add.10
20 March 1992

Original: ENGLISH

Regular session of 1992

# IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

## Initial reports submitted by States parties under articles 16 and 17 of the Covenant

## Addendum

## VIET NAM

[23 January 1992]

## I. GENERAL INTRODUCTION

1. The Socialist Republic of Viet Nam acceded to the International Covenant on Economic, Social and Cultural Rights on 24 September 1982. Viet Nam submits the present report in accordance with articles 16 and 17 of the Covenant on the obligations of States parties and complying with the guidelines set out by the Economic and Social Council in its resolution 1988/4 of 24 May 1988.

### The country and the people

2. Viet Nam's total area is 331,689 square kilometres, mountains and hills covering three quarters of the territory. Its territorial waters cover approximately 1 million square kilometres. The coastline is about 3,000 kilometres long. Viet Nam has an essentially tropical monsoon climate.

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3. The population is 64,375,000 (general census of 1 April 1989) of which women account for 51.5 per cent (33,145,000) and men 48.5 per cent (31,230,000). The average population growth rate is 2.13 per cent per year.

4. Viet Nam is a multi-ethnic nation. The Kinh ethnic group, who live mainly in the plains, account for 88 per cent of the country's population. The other 53 ethnic minorities, totalling 5.5 million people, live mostly in the mountain areas stretching from north to south.

5. The national and administrative language is Vietnamese or the language of the Kinh. While encouraged to preserve their own languages, the ethnic minorities are also taught to speak the Kinh language.

6. The two major religions are Buddhism (6 million adherents) and Catholicism (4 million). Other religions include Protestantism, the Hoa Hoa, the Cao Dai and Islam.

Constitutional history

7. Viet Nam has an age-old traditional culture and a 4,000-year history of nation-building and safeguarding. The Vietnamese people have successively defeated foreign invaders to regain national independence and freedom.

8. The 2 September 1945 Proclamation of Independence ended 80 years of French colonial rule. In November 1946 the National Assembly of the Democratic Republic of Viet Nam approved the first Constitution after the first free general elections.

9. Thirty years of war against foreign aggressions followed. The country was partitioned into North and South for 21 years during this period.

10. In 1959 the Constitution was amended in view of the partition of the country.

11. In 1975 Viet Nam was reunified. Free general elections were held nationwide. In July 1976 Viet Nam became the Socialist Republic of Viet Nam. The 1980 Constitution spelt out a comprehensive conception of fundamental human rights as consisting of three institutionalized kinds of rights:

(a) The right to live in independence and freedom;

(b) The right to oppose oppression and exploitation;

(c) Political, economic, cultural and social rights.

12. The 1980 Constitution, together with subsequently promulgated laws, notably the Penal Code, the Penal Procedure Code, the Law on Marriage and the Family, the Law on Nationality, the Laws on organization of the People's Inspectorate and the People's Court, the Law on Protection of the People's Health, the Trade Union Law, the Law on Child Protection, Care and Education and the Law on Universalization of Primary Education, form an important legal system to protect the people's freedoms and democratic rights in conformity with the provisions of the International Covenant on Civil and Political

Rights and the International Covenant on Economic, Social and Cultural Rights. Thus, Viet Nam's accession to the two International Covenants does not basically require amendment or addition to the Constitution by the Vietnamese State.

State agencies and the protection of human rights

13. The 1980 Constitution determines (in art. 6) that all State power belongs to the people. The mechanisms of the State must be set up in such a way as to ensure the effective exercise of State power by the people. In principle, State power in Viet Nam, whether legislative, executive, judiciary or the power of inspection, is concentrated in popular representative bodies. State power is structured into a system consisting of the following four kinds of institutions.

14. The National Assembly is the supreme representative body of the people. At the same time, it is the highest State authority which decides on fundamental domestic and foreign policies, exercises the supreme right of supervision over the operation of the State apparatus and is vested with constitutional and lawmaking rights (art. 82). The standing body of the National Assembly is the State Council which acts on behalf of the National Assembly in the interval between two sessions (arts. 98 and 100). It is the collective Head of State supervising the compliance with the Constitution, laws and codes, statutes, etc. The people's council at each level represents the State authority in the localities with the competence and responsibility to supervise lower-level authorities and administrative agencies of the same level (people's committees at various levels) with regard to respect and implementation of the law.

15. The Council of Ministers and the people's committees at various levels make up the system of State administrative agencies whose duty it is to manage all aspects of social life (arts. 104-107 and 121-124).

16. The People's Supreme Court and the people's courts at various levels constitute the system of the judiciary bodies (art. 128). The People's Supreme Court is the highest judiciary body which oversees the administration of justice by the people's local courts and military tribunals (art. 135).

17. The Supreme People's Inspectorate and the local people's inspectorates supervise the legal compliance of ministries and other agencies under the Council of Ministers, local authorities, people's armed forces units, social organizations, State employees and citizens (art. 138) to ensure that the law is strictly and uniformly implemented.

Economic, cultural and social characteristics 1/

18. The per capita annual income is approximately US$ 200.

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1/ According to The Statistics of the Socialist Republic of Viet Nam, Statistics Publishing House, 1991: "Report on the Vietnamese Economy" published by the State Planning Committee and UNDP, December 1990.

19. The national income structure (at current prices) is reflected in the following table:

| | Total % | Industry % | Construction % | Agriculture % | Trade and material supply % | Others % |
|---|---|---|---|---|---|---|
| 1988 | 100 | 20.6 | 3.5 | 52.1 | 14.6 | 9.2 |
| 1989 | 100 | 20.6 | 4.9 | 48.3 | 17.7 | 8.2 |
| 1990 | 100 | 20.2 | 4.3 | 50.6 | 17.6 | 7.3 |

20. The national income structure by economic sector (at current prices) is reflected in the following table:

| | Year | Total % | State sector % | Non-State sector % |
|---|---|---|---|---|
| GNP | 1988 | 100 | 30.5 | 69.5 |
| | 1989 | 100 | 34.5 | 65.5 |
| | 1990 | 100 | 33.8 | 66.2 |
| National income | 1988 | 100 | 22.5 | 77.5 |
| | 1989 | 100 | 26.3 | 73.7 |
| | 1990 | 100 | 25.8 | 74.2 |

21. Concerning the rate of inflation:

(a) In the period 1981-1984, the general price index increased at an annual rate of 70 per cent;

(b) In the period 1985-1988, retail prices increased by 90 per cent in 1985 and by nearly 500 per cent in 1986. In 1987, inflation slowed down to around 300 per cent and continued to go down at the same pace in 1988. Since 1985, inflation rates on the regulated market and on the free market have been almost the same;

(c) In 1989, measures for financial and monetary stabilization were successfully implemented by the Government. Between October 1989 and June 1990, prices increased by 2.1 to 3.8 per cent per month. By August 1990, the rate was 6 per cent.

22. The trade balance is reflected in the following table:

| | 1980 | 1988 | 1989 |
|---|---|---|---|
| Imports | | | |
| roubles (millions) | 755.1 | 2 028.5 | 1 789.3 |
| US dollars (millions) | 559.1 | 728.2 | 645.4 |
| Exports | | | |
| roubles (millions) | 225.9 | 590.7 | 844.0 |
| US dollars (millions) | 112.7 | 447.7 | 976.0 |
| Deficit | | | |
| roubles (millions) | 529.6 | 1 437.8 | 954.3 |
| US dollars (millions) | 446.4 | 280.5 | 308.9 |

Accession to the International Conventions on Human Rights

23. On 24 September 1982, Viet Nam acceded to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Viet Nam has also been a party to the Convention on the Prevention and Punishment of the Crime of Genocide (since 9 June 1981), the International Convention on the Elimination of All Forms of Racial Discrimination (since 9 June 1981), the Convention on the Elimination of All Forms of Discrimination against Women (ratified on 17 February 1982) and the Convention on the Rights of the Child (ratified on 20 February 1990).

## II. FULFILMENT OF GENERAL COMMITMENTS UNDER THE CONVENTIONS

### Article 1

24. Article 1 of the Constitution states: "The Socialist Republic of Viet Nam is an independent, sovereign and united country whose territory comprises its mainland, airspace, territorial waters and islands."

25. Article 14 of the Constitution states that:

> "the Socialist Republic of Viet Nam preserves and develops friendly relations with neighbouring countries; unites with peoples struggling for national independence and social progress; pursues a policy of peaceful coexistence with countries of different political and social systems, on the basis of respect for each other's independence, sovereignty and territorial integrity, non-interference in each other's internal affairs, equality and mutual benefit."

## Article 2

26. By virtue of article 55 of the Constitution, "All citizens are equal before law." Article 56 provides that "Citizens have the right to take part in managing the affairs of the State and society." Under article 57, "All citizens, irrespective of their ethnic origin, sex, social status, religion, level of education, occupation and term of residence, have the right to vote upon reaching the age of 18 and to stand for election to the National Assembly from the age of 21." Equality among citizens is also stipulated in article 4 of the Penal Procedure Code and in article 5 of the Law on the Organization of the People's Court. Moreover, the Vietnamese Government ensures the exercise of citizens' rights as laid down by law (arts. 54 and 73 of the 1980 Constitution).

## Article 3

27. Article 63 of the 1980 Constitution provides that "Women and men have equal rights in all respects - political, economic, cultural, social and family life." Besides, the State of Viet Nam also ensures the exercise of all-round equality for women through the Law on Marriage and the Family, the Penal Code and a number of statutes, decisions, circulars of the Government and concerned ministries. Viet Nam is also a State party to the Convention on the Elimination of All Forms of Discrimination Against Women.

28. In fact, women have played an increasingly important role in the management of the State and social life. Detailed information on the exercise of the right to equality between men and women has been thoroughly provided in the initial report of Viet Nam on the implementation of the International Covenant on Civil and Political Rights (CCPR/C/26/Add.1).

## Article 6

### Fundamental law

29. Article 58 of the Constitution stipulates that "Work is the primary right, obligation and privilege of citizens. Citizens have the right to work. People fit for work must work as provided by law." It is also stipulated that "The State creates jobs on the basis of economic and cultural development plans, employs people according to both their personal aptitude and desire, and social needs. It fosters professional skills, preserves the health of the work force and constantly improves the working conditions of manual and intellectual labour." The Labour Law is currently being drafted for submission to the National Assembly's approval.

### Employment

30. The Ministry of Labour, War Invalids and Social Affairs, in conjunction with the Viet Nam Confederation of Trade Unions, is in charge of making policies concerning labour, labour remuneration, social welfare and insurance, of management and coordination of manpower utilization, and of job creation in order to meet the needs of planned development of the national economy in general as well as at each stage.

31. The people's committees of communes and city wards are in charge of arranging jobs for the workforce to meet the needs of production, business and service development of all economic sectors within their area of competence. Recruitment to local State offices and factories, as well as for other localities, is undertaken by a labour agency. Since 1986, employment exchanges have been set up in a number of cities and localities.

32. At present, Viet Nam's labour force includes some 31 million people of working age (from 18 to 55), of which the vast majority hold jobs in the various sectors of the national economy:

(a) The socialist economic sector consisting of the State-run and collective sectors;

(b) The small-scale commodity economic sector including craftsmen, individual peasants, small traders and individual service caterers;

(c) Private capitalist economic sector;

(d) State capitalist economic sector under different forms;

(e) Natural autarkic economic sector within a segment of ethnic minorities in the mountain areas.

Training programmes

33. The Constitution of Viet Nam provides for the right of citizens to education (art. 60), the obligations of the State in the development of the educational system, especially the broad development of technical and vocational schools, of work-cum-study schools, of a system of in-service courses (art. 41), which are very important conditions for workers to attain the required professional level or to meet the ever higher requirements of social production, and thus to ensure their right to work.

34. In Viet Nam, a system of general, vocational, university and post-graduate education, a system of technical vocational schools and a network of in-service courses have been set up throughout the country. Today, all large cities have vocational training centres for workers, particularly for young workers. Nationwide, there are now 56 vocational training centres in 20 provinces and cities.

Employment protection and safeguards against arbitrary dismissals

35. Articles 48 and 49 of "Decision 217 of the Council of Ministers on labour-salary-social welfare" make adequate provisions for job or contract termination. The employer has the right to dismiss a permanent jobholder or to terminate a labour contract when the employee violates State regulations or breaches the signed contract. The employer is not allowed to dismiss an employee while he/she is under treatment in a hospital or sanatorium, or during a female worker's pregnancy or maternity leave. Before deciding on a dismissal or contract termination the employer has to consult the union executive board of the enterprise. In case of disagreement by the latter, the employer has the right to make a decision for which he is responsible. Upon



Right to a cultural life

122. Article 72 of the 1980 Constitution states: "Citizens have the right to engage in literary, artistic and other cultural activities." Under Vietnamese law, severe punishment shall be meted out against any act that prevents citizens from taking part in cultural activities (art. 139, Penal Code).

123. The 1980 Constitution says that Viet Nam will strive to develop a new culture with socialist contents and national characteristics (art. 37) and that national cultural and spiritual values shall be preserved and developed (art. 38).

Cultural policy towards ethnic minorities

124. Article 5 of the 1980 Constitution states: "The Socialist Republic of Viet Nam is a unified State of all the nationalities living on Vietnamese territory. The nationalities are equal in terms of rights and obligations. The State protects, consolidates and strengthens the great unity of all nationalities. It strictly prohibits any act of racial prejudice and attempt to sow discord among nationalities."

125. Ethnic groups have the right to use their own languages and scripts, to preserve and bring into full play their fine customs, traditions and culture.

126. The State plans gradually to do away with discrepancies between ethnic groups regarding their economic and cultural levels of development.

127. Resolution 72/HDBT (13 March 1990) of the Council of Ministers defines the State policy for socio-economic development in mountainous areas.

128. In addition, the cultural authorities have worked out concrete policies to improve the cultural life of the minority groups, including Directive 270/CT (30 October 1986) on the promotion of cultural, artistic and information activities among minority groups and Directive 658/CT (31 July 1990) dealing with culture, information, gymnastics, sports and tourism in mountainous areas and the areas where minority groups live.

Mass media

129. Article 45 of the Constitution states: "The mass media, libraries and the publication, radio, television and cinema works shall be developed and constantly improved in terms of political, ideological and artistic quality so as to guide public opinion."

130. The national mass media network is now undergoing rearrangement regarding its thematic and technical matters. At present, there are over 300 newspapers and magazines, 50 provincial radio and television stations and about 10,000 broadcasting stations in the districts and villages.

Conservation

131. Article 46 of the Constitution states: "Historical and cultural relics, public art works and sites of scenic beauty shall be conserved and ameliorated."

dismissal or contract termination, the worker is entitled to a number of benefits under State regulations.

36. Vietnamese law prohibits dismissal for reasons other than those define by law. Article 123 of the Penal Code spells out: "Anyone who for self-seeking or other personal purposes dismisses a worker in violation of the law will be sentenced to a strong warning, up to one year on probation or to 3 to 12 months' imprisonment."

## Article 7

### Remuneration

37. Article 3 of the Constitution stipulates: "The State and collective economic entities apply the principle 'From each according to his ability, to each according to his work'," while gradually increasing social benefits in keeping with the development of the national economy.

38. A minimum salary level is stipulated by the State in order to enable the worker to replenish his work ability and to take into account part of dependants' expenses.

39. The State applies the principle of equal pay for equal labour without any distinction of sex, age or ethnic origin. Article 63 of the Constitution stipulates "Women and men receive equal pay for equal work."

40. Work in different branches entails different minimum salary levels depending on the degree of technical and professional complexity as well as on the heavy or harmful nature of the work. Heavy and harmful work entails a higher salary or a special allowance in addition to the salary.

### Salary rise and promotion

41. In production and business there are regulations on technical qualification criteria for each kind of occupation or work. Annually, on the basis of those criteria, enterprises will test vocational skills and raise workers' salaries accordingly regardless of seniority. In the administrative sector, because there are as yet no specific regulations on criteria for each kind of State employee, the average interval between two salary rises is five years. The interval is shortened for those with outstanding performances. Due to ceilings imposed by the State on salary funds, pay rises prove more difficult in the administrative sector than in production and business.

### Work safety and hygiene

42. Article 58 (para. 4) of the Constitution of Viet Nam states explicitly: "The State institutes and enforces regulations aimed at preventing labour accidents and occupational diseases."

43. Enterprises should open training courses for workers on technical safety and industrial hygiene and give tests following each course.

44. All branches and all authorities in charge of enterprises and enterprises themselves when establishing production plans must also draw up labour safety plans. Each enterprise has to devise technical safety processes for each branch, job or kind of machine. When the production methods, equipment and machinery are changed, the technical safety process is to be altered accordingly.

45. Workers working in hazardous accident-prone conditions or in conditions detrimental to their health should be equipped with personal protection gear and adequate work clothes. Principles and criteria for the supply of personal protection gear and work clothes are stipulated by the Ministry of Labour.

46. The Ministry of Labour and the Health Ministry define the regime, criteria and organization of health check-ups for workers and determine which jobs require periodical health check-ups, which specially harmful jobs entitle workers to health compensation in kind, as well as those jobs where recruitment of female and juvenile labour is not allowed. Enterprises involving work where serious accidents may occur, especially mining sites and chemical or metallurgical factories, must be equipped with the necessary facilities to provide timely rescue of workers in case of accidents.

47. At present, the Ministry of Labour is drafting a statute on labour protection.

48. Article 14 of the Law on People's Health Protection of 30 June 1989 also contains provisions concerning hygiene in the workplace.

49. The State also spells out appropriate sanctions for violation of labour safety. Article 190 of the Penal Code reads: "Anyone who is in charge of directing the implementation or of the implementation itself of regulations on labour safety, labour protection, industrial hygiene, safety in crowded places and who violates these regulations, thus causing serious property damage, will be sentenced to two years on probation or six months to five years' imprisonment. Violations that result in extremely serious consequences will be liable to prison sentences of 3 to 12 years."

Rest, recreation, work time and paid leave

50. Under article 59 of the Constitution, "working people are entitled to rest. The State regulates the conditions relating to work, rest and relaxation for State workers and employees."

51. Work time is six days per week and eight hours per day (work hours may be less for some harmful and heavy jobs). The maximum overtime for a worker is four hours per day and should not exceed 150 hours per year. Workers are to receive double pay for overtime work. Mothers of infants are not to be assigned overtime work.

52. Annual leave is 10 to 12 days, excluding Sundays, plus the time for a round trip. Travel expenses are refunded. Teachers are granted 30 days. In addition, there are 7 1/2 holiday days per year.

53. Sick leave or sick child leave (to take care of a sick child) is up to 20 days per year. Maternity leave is six months for the first and second child, 2 1/2 months for the third child onwards. Occasional time off for unpredictable reasons is also granted.

54. Depending on the availability of welfare funds in each office or factory, each year the trade union is to organize tours, excursions, holiday or health trips for workers and civil servants, especially for those who need rest as prescribed by medical doctors.

## Article 8

### The right to set up trade unions

55. Article 1 of the Trade Union Law stipulates that Vietnamese workers and civil servants working in business and production units of various economic sectors, enterprises with foreign-invested capital, State offices and social organizations have the right to set up trade unions and to join trade unions as provided by the Statutes of the Viet Nam Confederation of Trade Unions.

56. In setting up unions under the umbrella of the Viet Nam Confederation of Trade Unions no permission is needed from the authorities but the concerned office or enterprise should be informed so as to ensure adequate coordination. Vietnamese citizens working abroad are allowed to set up unions on the basis of an agreement between the Vietnamese Government and the Government of the host country. Foreign nationals working in Viet Nam are allowed to set up unions in accordance with Vietnamese law.

57. Under Article 10 of the Constitution the Viet Nam Confederation of Trade Unions is the broadest mass organization of the Vietnamese working class. Within the limits of their competence, the trade unions take part in State affairs, inspect activities of the State offices and participate in the management of factories. They educate workers and civil servants, organize socialist emulation movements and, together with State agencies, take care of the living conditions and the rights of workers and civil servants.

58. Article 86 of the Constitution stipulates that the Viet Nam Confederation of Trade Unions has the right to submit draft laws to the National Assembly.

59. Article 106 of the Constitituion stipulates that the President of the Confederation of Trade Unions is entitled to attend meetings of the Council of Ministers.

### Rights and obligations of trade unions

60. The Trade Union Law comprehensively stipulates the rights and obligations of the trade unions (chapter II):

(a) The right to represent workers in their relations with economic and State management bodies (art. 4);

(b) The right to be independent in its organizational set-up, and in all its activities; together with governmental agencies to take part in making

laws, policies and provisions concerning labour, wages, labour protection and other social policies directly affecting the rights and obligations of workers (art. 5);

(c) The right to inspect, as stipulated by article 10 of the Constitution. The Trade Union Law defines the scope of the trade unions' right of inspection including the implementation of the Labour Law and of provisions and policies affecting the rights, obligations and interests of workers (art. 9).

61. On behalf of workers, grass-roots trade unions sign collective labour contracts with managers of enterprises from various economic sectors and monitor the signing and implementation of those contracts. Together with State bodies they also take part in handling protests and accusations submitted by workers in accordance with the law (art. 11).

Relations between the Viet Nam Confederation of Trade Unions and foreign and international trade unions

62. The View Nam Confederation of Trade Unions is a member of the World Federation of Trade Unions and entertains relations with more than 100 trade union organizations from over 80 countries in the world.

## Article 9

63. The Constitution of the Socialist Republic of Viet Nam (art. 59) stipulates: "Workers and public servants are entitled to social insurance benefits for retirement, old age, sickness or disability. The State guarantees working people the enjoyment of insurance benefits and gradually extends the system as the national economy expands. The State guides cooperatives step by step in making social insurance benefits available to their members."

64. Over 30 years of war have entailed very heavy losses. To mention human losses only, there have been more than 10 million war victims.

Social insurance provisions

65. On the one hand, provisions on social insurance in Viet Nam strictly abide by the principle of benefits according to work done. On the other hand, they are conceived to ensure a minimum standard of living for people no longer fit for work, war victims included. The State directly assumes the organization and management of social insurance services.

66. All workers employed in the public and collective sectors are entitled to the following social insurance benefits:

(a) Sickness benefit;

(b) Pregnancy benefit;

(c) Labour accident and professional disease benefit;

(d) Retirement benefit;

(e) Benefit for work incapacity;

(f) Allowances for loss of family support and the death of close relatives (including allowances for funerals).

Article 10

67. The basic laws concerning protection of the family, mothers and children are:

(a) The 1980 Constitution (arts. 64, 65, 66);

(b) The Law on Marriage and the Family (1986);

(c) The Law on the Protection, Care and Education of Children (1991);

(d) The Law on People's Health Protection (1989).

Protection of the family

68. The principles of voluntariness, progressivism, monogamy and equality between husband and wife are embodies in the 1946 Constitution, the 1959 revised Constitution and the present 1980 Constitution.

69. Article 64 of the 1980 Constitution stipulates:

> "The family is the cell of the society. The State protects marriage and the family. Marriage is based on the principles of voluntariness, progressivism, monogamy and equality between husband and wife. Parents have an obligation to bring up and educate their children to become citizens useful for the society. Children have an obligation to respect and care for their parents.
>
> "The State and society reject discrimination between children."

70. For the betterment of the family, the question of population and family planning is being stressed. Apart from the responsibilities provided for in articles 2 and 11 of the Law on Marriage and the Family (1986), husbands and wives are required to observe birth control regulations. A vigorous (persuasive, not coercive) campaign is under way to reduce the birth rate by having families with just one or two children.

Protection of maternity

71. Article 63 of the 1980 Constitution stipulates the rights and obligations and the legal position of women as follows: "Women and men have equal rights in all aspects - political, economic, cultural, social - and family affairs". The State and society care for the raising of women's political, cultural, scientific, technical and professional standards and the promotion of their role in the society.

72. The Government takes into consideration women's specific conditions in its labour policy. Women and men receive equal pay for the same job. Women are entitled to pre- and post-natal paid leave if they are workers or office employees, or to maternity allowances if they are cooperative members.

73. The State and society ensure the development of maternity homes, crèches, kindergartens, community dining-halls and other social amenities so as to create favourable conditions for women to work, study and rest. On 17 February 1982 Viet Nam acceded to the Convention on the Elimination of All Forms of Discrimination Against Women and has made a national report as required by the Convention. The contents of the Convention are enshrined in the Constitution, the Law on Marriage and the Family, the Penal Code, the Law on People's Health Protection and relevant policies which clearly determine the responsibilities for protection of maternity.

74. The Law on Marriage and the Family defines the responsibilities of the society for mothers. Article 3 stipulates: "The State and society protect the mother and the child and assist the mothers to fulfil their noble missions as mothers." Article 4 states: "Maltreatment of the parents, wife, husband and child is prohibited."

75. The mother's legitimate right and aspirations are taken into prior account as stipulated in articles 41 and 42 in cases of divorce or remarriage.

76. Article 125 of the Penal Code stipulates punishment for violations of women's right to equality.

77. Like all other citizens, women, including mothers, are entitled to work. The State plans the use of the women's workforce and protects the maintenance of their working capability. The Law on People's Health Protection (11 July 1989) stipulates that the employment of women must abide by regulations on women's health protection (art. 45).

78. The Law on People's Health Protection (art. 44) stipulates concrete measures to protect the mother's health and prevent gynaecological diseases. The State takes measures to assist women before and after childbirth without any discrimination as regards the conditions of their marriage.

Protection of children

79. The State and people give priority to the protection and care of children, making it a national policy. This approach is clearly reflected in the Constitution, the Penal Code, the Law on the Protection, Care and Education of Children (1991) and the Law on People's Health Protection (1989). Viet Nam was the first country in Asia and the second in the world to ratify the Convention on the Rights of the Child.

80. It is stipulated in the 1980 Constitution that the State and society are responsible for the protection, care and education of children, and assume an increasing share of the responsibilities to raise and educate children in order to improve their social life, study and development (arts. 65 and 75).

81. The Law on People's Health Protection (1989) stipulates that the State is responsible for the protection and care of children. The following institutions are involved:

(a) The Committee on the Protection and Care of Children, which assists the Government in inspecting and supervising the protection and care of children;

(b) People's committees at all levels organize the implementation of the programmes for the protection and care of children.

## Article 11

82. The laws concerning the right to an adequate standard of living are:

(a) The 1980 Constitution (arts. 15, 17, 62);

(b) The Decree on Housing (1991).

### Standard of living

83. Article 15 of the 1980 Constitution stipulates: "The economic policies of the Socialist Republic of Viet Nam are aimed at progressively satisfying the increasing material and cultural needs of the whole society by continuously developing production and raising social labour efficiency ..."

84. During the five-year period 1986-1990, 60 per cent of the investment fund of the State budget and 75 per cent to 80 per cent of that of local budgets were allocated to the three major economic programmes, including the one to promote food production.

85. Food-grain production has increased quickly:

| Year | 1985 | 1986 | 1987 | 1988 | 1989 | 1990 |
|---|---|---|---|---|---|---|
| Thousand tons | 18 200 | 18 379 | 17 562 | 19 583 | 21 515 | 21 541 |

86. Food-grain output (in kilograms) per capita (in rice equivalence):

| 1986 | 1987 | 1988 | 1989 | 1990 |
|---|---|---|---|---|
| 310 | 281 | 307 | 333 | 325.4 |

87. Food-grain insufficiency:

| | 1976 | 1980 | 1984 | 1988 | 1989 |
|---|---|---|---|---|---|
| Population (millions) | 49.2 | 53.7 | 58.7 | 63.7 | 64.4 |
| Total food grain in rice equivalence (million tons) | 13.5 | 14.4 | 17.8 | 19.6 | 21.4 |
| Average amount per capita (kilograms) | 274.4 | 268.2 | 303.5 | 307.3 | 332.9 |
| Supply-to-demand ratio (100 per cent = 365 kg) | 75 | 73 | 83 | 82 | 91 |

Right to housing

88. Article 62 of the 1980 Constitution provides:

> "Citizens have the right to housing. The State is committed to housing development. It encourages and assists housing construction by collectives and individuals according to a general plan, so that this right shall gradually be implemented.
>
> "The allotment of housing space under State control shall be fair and equitable".

89. Article 2 of the Decree on Housing adopted by the Council of State on 26 March 1991 stipulates: "The State recognizes and protects the right to housing ownership by individuals and institutions." Article 4 of the Decree says: "The State encourages and facilitates the participation of all organizations and individuals in the maintenance and development of the housing space".

90. Housing investment by the State within the totality of State capital investment between 1985 and 1989 (in constant 1982 prices):

| | 1985 | 1987 | 1988 | 1989 |
|---|---|---|---|---|
| Total State capital (million dongs) | 24 839.4 | 16 019.6 | 16 785.3 | 17 532.1 |
| Material production sector | 19 356.0 | 12 786.6 | 14 384.5 | 14 823.9 |
| Non-material production sector | 5 483.4 | 3 233.0 | 2 400.8 | 2 708.2 |
| Housing in the non-material production sector | 2 067.0 | 1 314.8 | 953.6 | 1 104.6 |

91. The State plan of socio-economic development for the five years 1986-1990 reads in part: "The housing problem calls for urgent solution. Besides the State fund, other self-generated funds by production establishments and individuals should also be mobilized for the reduction of housing difficulties, especially in the capital of Hanoi and Ho Chi Minh City ..."

## Article 12

92. The basic law with respect to health care is the 1980 Constitution. Article 59 states: "The State ensures the right of the working people to social insurance and gradually extends the system as the national economy expands." Article 61 states: "Citizens have the right to health care."

Health-care measures

93. Sanitation and epidemic prevention and control are considered primary tasks of health care. The Law on People's Health Protection provides that State agencies and social organizations have a duty to disseminate medical and hygienic knowledge among the population and educate them in such (art. 6). Articles 7 to 15 of the Law provide for the responsibilities of State and social organizations for the hygienic conditions of food and drinking water at work places, at schools and kindergartens and in public places. The State has launched a nationwide sanitation campaign.

94. The Law on People's Health Protection provides that people who are ill or injured are entitled to medical treatment at medical establishments; the patient can choose the medical workers and establishments for his or her examination and treatment (art. 23).

95. Medical establishment figures:

| Establishments | 1980 | 1985 | 1988 | 1989 |
|---|---|---|---|---|
| 1. Hospitals | 676 | 729 | 767 | 762 |
| - specialized | 77 | 91 | 98 | 96 |
| - polyclinic | 599 | 638 | 669 | 666 |
| 2. District hospitals | 462 | 485 | 505 | 504 |
| 3. Regional polyclincs | 409 | 583 | 676 | 690 |
| 4. District clinics | 370 | 533 | 611 | 620 |
| 5. Others | 33 | 50 | 65 | 68 |
| 6. Maternity homes | 64 | 84 | 66 | 60 |
| 7. Street health stations | 1 441 | 1 483 | 1 723 | 1 735 |
| 8. Government departments' health stations | 291 | 325 | 390 | 387 |
| 9. Village health stations | 8 445 | 8 907 | 8 993 | 8 948 |
| 10. Leprosy treatment centres | 22 | 21 | 20 | 20 |
| 11. Sanatoriums | 18 | 106 | 110 | 110 |

96. The Law on People's Health Protection prohibits irresponsible acts in administering first aid, examinations and treatment causing damage to patients' health, life, honour or dignity (art. 26).

97. It is Viet Nam's public health policy to build a preventive system, to combine traditional with modern approaches and to coordinate State work with popular participation. This is dealt with specifically in article 47 of the 1980 Constitution and in articles 34, 35, 36 and 37 of the Law on People's Health Protection.

98. The Law on People's Health Protection also provides for preferentiality regarding medical examination and treatment for the aged, war invalids, war-wounded, the handicapped and ethnic minorities.

99. The State pays special attention to the question of training of medical and pharmaceutical personnel. The training system includes medical and pharmaceutical universities run by the Government and by provincial authorities. There are also primary and secondary health schools in various regions to train medical and pharmaceutical personnel.

100. Data:

Medical staff (in thousands)

| Year | Doctors | Assistant Doctors | Nurses | Midwives | Number of doctors per million people |
|---|---|---|---|---|---|
| 1980 | 12.9 | 31.5 | 76.1 | 13.9 | 2.4 |
| 1986 | 19.9 | 43.8 | 83.7 | 15.1 | 3.2 |
| 1987 | 20.9 | 45.1 | 79.5 | 14.9 | 3.4 |
| 1988 | 21.3 | 46.0 | 78.4 | 14.3 | 3.3 |
| 1989 | 21.5 | 46.2 | 78.5 | 14.1 | 3.3 |

Pharmaceutical staff (in thousands)

| Year | Pharmaceutical doctors | Assistant pharmaceutical doctors | Pharmacists |
|---|---|---|---|
| 1980 | 5.1 | 5.2 | 14.4 |
| 1986 | 5.7 | 6.4 | 15.6 |
| 1987 | 6.0 | 6.4 | 16.4 |
| 1988 | 6.1 | 6.4 | 15.3 |
| 1989 | 6.2 | 6.5 | 15.7 |

101. For effective public health care, the Penal Code provides for punishments for violations of regulations on environmental protection which cause serious damage (art. 195) and on medical treatment and medicinal production and trade which leave serious consequences (art. 196). The Law on People's Health Protection also provides for rewards (art. 52) and punitive measures (art. 53) in the field of public health care.

## Articles 13 and 14

102. The basic laws on the right to education and the principle of universal and free-of-charge education:

(a) The 1980 Constitution ("Learning is the right and obligation of every citizen.");

(b) The Penal Code;

(c) The Law on Protection, Care and Education of Children;

(d) The Law on Universal Primary Education.

Principle of universal and free-of-charge education

103. Universal and free-of-charge education is a major national policy. Soon after the August Revolution, the Government of the Democratic Republic of Viet Nam promulgated Decree 146/SL dated 10 August 1946 on a new education system, which established a four-year programme of primary education compulsory for children between 7 and 13 years of age.

104. Article 60 of the Constitution states: "The State shall gradually enforce free compulsory universal education, and grant scholarships to create favourable conditions for citizens to pursue their studies."

105. Article 10 of the Law on Protection, Care and Education of Children and article 13 of the Law on Universal Primary Education provide that children have the obligation to complete the universal education programme. Primary education in State-run schools and courses is free.

106. Since 1989, an education fee has been collected. However, in order to universalize primary education, the State decided "not to collect education fees from pupils at grades 1, 2 and 3. Fees can be dispensed with or reduced with regard to pupils and students entitled to social welfare, of ethnic minorities and of needy families." (decision 44 of the Council of Ministers dated 24 April 1989).

Principle of universality and right to primary education

107. The Law on Universal Primary Education was approved by the National Assembly on 12 August 1991, and on 26 October 1991 the Council of Ministers promulgated a protocol for its implementation. Article 1 of the Law provides: "The State shall carry out the policy of compulsory universal primary education from grades 1 to 5 for children from the ages of 6 to 14."

108. In the 1989/90 school year, there were 8.6 million primary school pupils (47 per cent were girls). Eighty-five per cent of all children aged 6 to 10 were in school; in particular, 93.8 per cent of six-year-olds (1.5 million out of 1.6 million) were in school (grade 1).

Right to elementary education - illiteracy liquidation

109. Before the August Revolution (1945), 95 per cent of the Vietnamese population was illiterate. From 1945 to 1978, the State carried out four large campaigns to abolish illiteracy. By 1954, 10 million people had rid themselves of illiteracy. Similar campaigns were launched in the southern provinces after national reunification. As a result, about 1.5 million more of the population knew how to read and write by 1978. Thus, illiteracy had, in the main, been wiped out.

110. According to 1979 statistics, 90 per cent of people between the ages of 15 and 50 were literate. The figure for the over-50 age group was more

than 50 per cent. By 1982, the literacy rate for the 15 to 50 age group had declined to 80 per cent. The situation has not improved in recent years. Courses for illiterates are being organized and in the 1988/89 school year 30,000 people attended them.

111. Adult illiteracy remains a question of great concern. In the meantime, the enrolment rate at primary schools has declined.

Right to secondary education

112. The State undertakes to universalize lower secondary education, develop upper secondary education in areas where universal primary education has been completed or the commodity economy is developed, in order to raise the level of education of the majority of the youth above the primary level (decision 23 of the Council of Ministers, 1989).

113. All children from 11 to 13 years of age who have passed the primary level can enter secondary schools; those from 14 to 17 years of age who have passed the secondary level can take examinations for admission to upper secondary schools. Schoolgirls and repatriates from overseas are allowed one more year and pupils of ethnic minorities two more years to the permissible age of admission (decision 216, 27 February 1986).

114. During the 1989/90 school year, lower secondary school pupils numbered 2,758,871; the figure for upper secondary schools was 691,279. Seventy-two per cent of primary school graduates and 30.2 per cent of lower secondary school graduates were admitted to a higher level.

Technical and vocational secondary education

115. Article 40 of the Constitution says: "Viet Nam's education system shall be constantly developed and improved under the guiding principle of combining study with practice and education with production work."

116. Lower and upper secondary schools have begun teaching subjects of a technical or vocational character such as technical skills, applied information and biology. The State also opened over 100 polytechnical and experimental centres to assist the teaching of these subjects.

The right to higher and university education

117. It has been decreed that all citizens, irrespective of their sex, religion, class and nationality, after completion of secondary education and subject to an admission examination, can enrol in colleges and universities. In terms of selection, equality and ability are the norms. Preferential treatment is applied with regard to schoolgirls, offspring of martyrs and decorated families, and pupils belonging to ethnic minorities (art. 4, decision 68 of the Prime Minister).

Scholarships and other material assistances

118. Article 60 of the Constitution stipulates that the State shall grant scholarships to create favourable conditions for citizens to pursue their studies.

119. Article 10 of the Law on the Protection, Care and Education of Children states: "Children are entitled to attend free of charge State-run primary schools." Article 11 of the same Law says: "The State encourages and supports the setting up, maintenance and effective use of technical and material centres and other facilities in the service of children's study and recreation."

120. Statistics concerning Viet Nam's education:

| | School year 1986/87 | School year 1987/88 | School year 1988/89 | School year 1989/90 |
|---|---|---|---|---|
| Total number of pupils and students | 13 270 000 | 13 305 000 | 12 820 200 | 12 183 700 |
| General education | 12 482 900 | 13 603 100 | 12 203 800 | 11 710 100 |
| School girls in particular | 6 004 400 | 5 911 200 | 5 682 900 | 5 622 900 |
| Complementary education | 504 500 | 422 100 | 349 500 | 209 100 |
| Vocational secondary education | 156 000 | 147 000 | 138 600 | 138 500 |
| College and university | 126 600 | 112 900 | 128 000 | 126 000 |
| Schools | | | | |
| General education | 13 731 | 14 019 | 14 424 | 15 386 |
| Vocational secondary education | 292 | 293 | 276 | 270 |
| University | 96 | 100 | 103 | 103 |
| Teachers | | | | |
| General education | 426 200 | 439 700 | 443 200 | 439 161 |
| Woman teachers in particular | 290 700 | 299 200 | 309 000 | 302 900 |
| Vocational secondary education | 11 300 | 11 800 | 10 700 | 10 516 |
| University | 19 200 | 19 800 | 19 900 | 20 618 |

## I. Article 15

121. The principal laws concerning the right to a cultural life and enjoyment of scientific achievements and copyright protection are:

(a) The 1980 Constitution;

(b) The Penal Code;

(c) The Decree on conservation and use of cultural and historical relics and places of scenic beauty (1984).

132. Article 216 of the Penal Code provides for punishment in various forms against violations of regulations on the protection and use of places of historical and cultural interests and places of scenic beauty: reprehension, re-education up to one year and imprisonment from three months to three years.

133. The Council of State promulgated on 31 March 1984 the Ordinance on the protection and use of the places of historical and cultural interest and places of scenic beauty. The Ordinance also provides for the classification of the places of historical and cultural interest and scenic sites. So far 694 places of such interest have been classified. Many important historical and cultural places have been renovated and reconstructed.

Right to artistic creation

134. Article 72 of the Constitution states: "Citizens have the right to literary and artistic creation and other cultural activities." The State encourages and assists citizens in their artistic and literary pursuits with a view to raising the quality of life and also to fostering personal aptitude and ability. By virtue of Decision 1819/VHQD (4 June 1989) of the Ministry of Culture, the Council for Popular Culture was established for better guidance of people's activities in the field.

Professional training in the fields of art and culture

135. At present, the training system in the fields of art, culture, sports and tourism comprises nine universities and colleges, a school for writers, 29 secondary vocational schools and two institutes which run, among other things, post-graduate courses.

Right to enjoyment of scientific and technological achievements

136. Article 43 of the Constitution states:

> "The State undertakes to popularize scientific and technological education, to match teaching and research work with production work, to encourage research, invention and innovation attempts with high applicability to promote a sense of self-reliance and to encourage the adaptation of world scientific and technological standards."

137. Article 72 of the Constitution stipulates: "Citizens have the right to scientific and technical research. The State encourages and assists citizens in their scientific and technical pursuits."

138. At present, the Government is preparing a bill on scientific research and technological development. Directives have been issued to encourage and ensure the application of scientific and technological achievements, including Directives 51/HDBR (17 May 1983), 134/HDBT (31 August 1987) and 175/CP (29 April 1989). A total of 54 national scientific and technological programmes, comprising nearly 900 subjects, are now under way. Each year, over 50 of the most important technological tasks in various economic branches are carried out. More than 100 local programmes and many such programmes of various ministries and branches have been put into practice.

Protection of authors' moral and material interests

139. Article 72 of the Constitution provides "... the rights of authors and inventors are guaranteed". All acts of violation of authors' rights by any individuals or groups of individuals are punished (art. 126, Penal Code).

140. An agency responsible for copyright protection (VINA - Author) in the fields of culture, the arts and science has been established and the Patent Bureau similarly protects authors' rights in the fields of industrial property.

141. The Copyright Bill is being drafted and will soon be submitted to the National Assembly for approval.

142. On 28 January 1989, along with the copyright rules, the Decree on the protection of industrial property rights of State organizations, collectives and individuals having legal person status was proclaimed by the Council of State. The Decree grants property rights to patents, beneficial outputs and industrial designs.

International relations and cooperation in the cultural, scientific and technological fields

143. During the 1960s, 1970s and 1980s, Viet Nam developed cultural and artistic cooperation with the Soviet Union and East European countries, hence exchanges of experiences and visits and cooperation in the fields of cinema, literature, publication and historical conservation. A special relationship has been established with the Laos Peoples' Democratic Republic and Cambodia, as a result of which there has been mutual assistance in personnel training. Cooperation with France in film-making is under way. Aid from various countries and international organizations has been obtained for the restoration and rehabilitation of historical relics. There is a good chance for cooperation with the countries of South-East Asia and other regions, as well as with international organizations.

144. Viet Nam has participated in several international festivals and contests. Since 1980 Viet Nam has taken 32 musical prizes including the first prize won by pianist Dang Thai Son in the tenth Chopin Contest (Poland, 1980) and the second prize won by pianist Ton Nu Nguyet Minh in the twenty-second F.P. Neglie International Contest (Italy, 1983). In addition, it has won more than 20 prizes in the field of fine arts and more than 10 prizes at international film festivals. Viet Nam has successfully presented to the world its national theatre of various types.

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